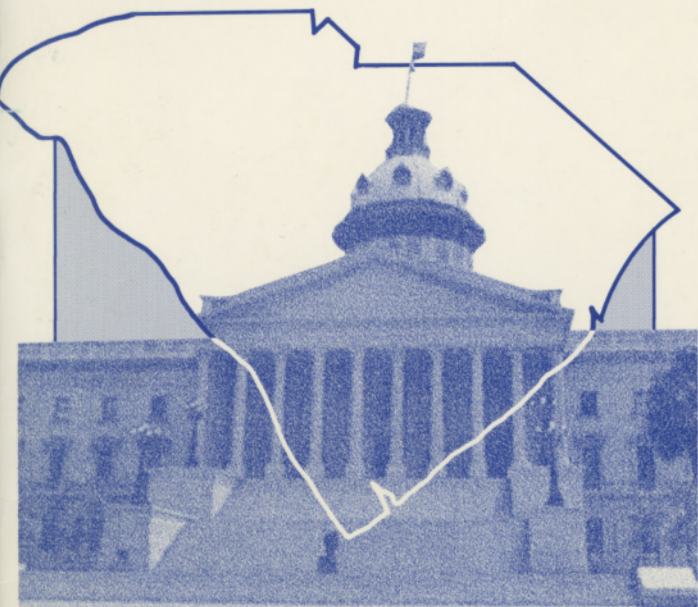


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South Carolina's Legislative Process

By Sandra K. McKinney, Clerk
S. C. House of Representatives



SOUTH CAROLINA'S LEGISLATIVE PROCESS

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HISTORY

STATE DOCUMENTS

In order to understand what happens in the legislative process, it's necessary to know a few basic facts about the lawmaking body. The Legislature of South Carolina (called the General Assembly) consists of two parts, the Senate and House of Representatives. There are 170 Members – 46 Senators and 124 Representatives representing districts based on population.

To be eligible to be a Representative, a person must be at least 21 years old. Senators must be 25, qualified voters and live in their districts.

Members are legally immune while attending and traveling to and from the General Assembly during the session and for ten days before and ten days after adjournment. This immunity applies except for a Member charged with treason, felony or breach of the peace.

The House can punish its Members for disorderly behavior and if two-thirds of the members agree, can expel a Member from the session, but cannot do so a second time for the same reason.

Members of the House serve for two years; Senators serve for four years. The terms of office begin on the Monday following the General Election, held in even numbered years on the first Tuesday after the first Monday in November.

The Members of the House meet on the first Tuesday following certification of the election for a

maximum of three days to organize. The business at this organizational session includes: election of officers, appointment of standing committees, adoption of rules, assignment of desks and other housekeeping details. The presiding officer of the House is the Speaker, elected by the House for the two-year term from among the House Members. Other officers elected are Speaker *Pro Tempore*, Clerk, Chaplain, Reading Clerk, Sergeant at Arms and Assistant Sergeant at Arms.

The Lieutenant Governor serves as President of the Senate. While presiding, he has no vote, except where the vote is tied. The Senate chooses a President *Pro Tempore* to act in the absence of the Lieutenant Governor. Other Senate officers are Clerk, Chaplain, Reading Clerk, Sergeant at Arms and Assistant Sergeant at Arms.

The Legislature begins in regular session annually in Columbia on the second Tuesday in January and must adjourn *sine die* not later than the first Thursday in June except when an extension is voted by a two-thirds vote of both Houses. Normally, the House and Senate meet in statewide session on Tuesday, Wednesday and Thursday and on Friday for local matters. The Governor may call the General Assembly into a special session if necessary, beyond the regular session.

Each Member of the House and Senate is paid \$250 a day for a maximum of forty days during regular session.

HOW A BILL BECOMES A LAW

Bills and Resolutions start in the Legislative Council, the department responsible for the organization and operation of research, reference and Bill drafting facilities. A member tells the attorney the type Bill he wants to introduce and it is put into legal form. After the member reads and checks it, he gives it to the Clerk. A Bill or Joint Resolution cannot become law until it has been read three times on three separate days in each House, has the Great Seal of the State put on it and signed by the President of the Senate and Speaker of the House.

Bills may be prefiled before the beginning of a session. Prefiled Bills are numbered, dated and referred to committee. A list of prefiled Bills is sent to the members each week. On the first day of the session, all prefiled Bills are officially introduced and put into the record. If there are committee reports on any of the bills, they are also put into the record.

Bills received during the session are introduced and read the first time, given a number and referred to the proper committee by the Speaker. The Constitution states that each Bill or Resolution must apply to only one subject and the subject must appear in the title. Some Bills are placed on the Calendar (agenda) without being sent to a committee. If the Bill is sent to a committee, it must stay there one week before it can be considered. (This rule protects the public and gives people time to learn about the Bill and ask for a public hearing if they want it.) If a public hearing is to be held, the committee chairman must give notice to the Clerk at least five days before the time of the hearing. This notice is published in the House Calendar.

All legislatures work mainly through standing committees in considering Bills. Committee work is probably the most important part of the legislative process. There are eleven standing committees in the House. Each considers Bills about a specific subject of legislation. The committees are:

Agriculture and Natural Resources (18 Members)

Education and Public Works (18 Members)

Legislative Ethics (6 Members)

Interstate Cooperation (5 Members)

Invitations and Memorial Resolutions (5 Members)

Judiciary (25 Members)

Labor, Commerce and Industry (18 Members)

Medical, Military, Public and Municipal
Affairs (18 Members)

Rules (15 Members)

Ways and Means (25 Members)

Operation and Management — advisory to the
Speaker about personnel, administration and manage-
ment (7 Members)

There are 15 Senate standing committees with membership of not fewer than 5 nor more than 18 Members. The committees are:

Agriculture and Natural Resources

Banking and Insurance

Corrections and Penology

Education

Ethics

Finance

Fish, Game and Forestry

General Committee

Interstate Cooperation

Invitations

Judiciary

Labor, Commerce and Industry

Medical Affairs

Rules

Transportation

Standing committees examine Bills and recommend action on them. During the day when the Legislature is in session but not actually meeting, the committees will meet and work on the Bills referred to them.

When a committee completes work on a Bill, it prepares a report and submits this with its recommendation when the reports of committees are called for in the daily session. The Bill, with the committee report, is put on the Calendar for second reading and is taken up, provided three members do not object. A Bill must be on the desks of the Members at least one day (when they are in session) before second reading. If a committee has acted on a prefiled Bill during the interim (the gap between years of a two-year session), the Clerk receives the committee report and sends a copy of it to the members. On most Bills, recommendations of the committee are followed, but either house may overrule the action of the committee. In order to prevent a committee from killing a Bill by not working on it, either house may recall the Bill from committee by a majority vote.

Bills are listed on the Calendar by number, sponsors and title, in the order they are introduced and reported by committees. They are then considered for second reading unless they are contested, either by objection of three members or an unfavorable committee report. Some Bills, such as the State Appropriations Bill, are set for Special Order, which moves them to the top of the Calendar. A Bill on second reading may be fully debated, amended, committed or recommitted, tabled, etc.

After a Bill has been discussed, it is voted on. Voting may be by division, voice vote or roll call. A roll call vote is required on second reading of contested Bills. Other requests for a roll call vote must be seconded by ten Members. Since there are more members in the House than the Senate, individual voice votes would take a lot of time. Because of this, the House uses a voting machine instead of calling each member's name. The members vote by pushing buttons on their desks. Votes are registered by lights which light up on a board in the chamber. The board contains all the members' names and how each member voted. The

votes are recorded and entered in the Journal. A request for a roll call vote in the Senate must be seconded by five Senators. The names are called in alphabetical order by the Reading Clerk and the votes are entered into the Journal.

During third reading a Bill may be acted on as in second reading, except that it takes unanimous consent to amend it. If a Bill is recommitted (sent back to committee) and the committee wants to amend it, they can do so without unanimous consent, but it still requires a majority vote of the House for the adoption of the amendment. After the amendments are written into the Bill and it is signed by the Speaker, it is then signed by the Clerk and sent to the Senate by messenger, where it follows practically the same route under slightly different rules. If the Senate amends a House Bill, it is returned to the House for consideration. The House may agree or disagree with the Senate amendment or make changes to the Senate amendment and return it to the Senate. Should the House disagree with the Senate amendment, a message is sent to the Senate and they will either insist on or recede from their amendment.

If the Senate insists upon its amendment, a message is sent to the House, with the names of three Senators appointed to a conference committee by the President of the Senate. The Speaker of the House then appoints three Members of the House to a conference committee. The six members meet and try to reach an agreement. If they agree, their report is sent to both houses for adoption. When the report is adopted by both houses, the Bill is ordered enrolled for ratification. Should the conference committee not agree, they may return to their respective bodies and ask for free conference powers, which requires a two-thirds vote of each house. The free conference committee may rewrite the Bill, where the conference committee cannot alter or delete anything agreed to by both houses. If the House concurs in the Senate amendment, the Bill is ordered enrolled for ratification and the title changed to an Act. Then, the Bill is enrolled (rewritten into Act form by Legislative Council), placed in Act backs (folders), attached to the original Bill and returned to the house in which it originated to await

ratification. When invited to ratify by the Senate, the Speaker, Clerk and Sergeant at Arms of the House go to the Senate Chamber to ratify Acts. During the ratification, the presiding officers and Clerks of the two houses sign the Acts. The Acts are immediately sent to the Governor's office by the Clerk of the Senate. The Governor has five days, Sundays excluded, during the session to approve or disapprove an Act. When he signs the Act or allows it to become Law without his signature, it is sent to the Secretary of State's office to be filed permanently. If he vetoes the Act, it must be returned with his veto message, to the Clerk of the house in which it originated by midnight of the fifth day. That body may then consider it. If they override the Governor's veto (this requires a two-thirds majority of each house present and voting), then it is sent to the other body for its consideration. Should either the House or the Senate not override the Governor's veto, the Act is dead. If the two houses override the veto, the Act is sent to the Secretary of State's office and becomes a part of the statutes. The 20th day after the Act's approval by the Governor it becomes effective unless some other day is specified in the Act.

Sometimes what the Legislature wants to do cannot be done by passing a Bill and requires a Constitutional amendment. When this happens, a Joint Resolution is prepared to propose an amendment to the Constitution. This Joint Resolution is introduced and follows the same course as ordinary Bills. The Resolution must be passed in each house by a two-thirds vote of all members elected and does not require the approval of the Governor. It is then placed before the voters of the State at the next general election. If a majority votes for the amendment, a Bill to ratify the amendment is introduced in the next session. It must pass by a simple majority vote and does not need the Governor's signature.

COMMITTEES

The work done by the General Assembly is during the formal legislative session when it meets three days a week. What many people don't realize is that most of the work is done by committees. The committees are the backbone of the legislative process. Before any Bill is considered by either body, many hours of work take place by the members of the standing committee to which the Bill is assigned. The Legislature relies on its committees to eliminate the less important measures and report only those deserving the attention of the entire House or Senate.

By working through standing committees, each house may have each Bill considered by members who have specialized in the subject of the Bill. Many members have expert knowledge of particular subjects and these members are usually placed on committees to take full advantage of their knowledge and experience. Because of this the Legislature usually accepts the recommendations of the standing committees. This is not to say that the General Assembly isn't aware of its responsibility to consider all pending Bills. A great deal of work is done by interim committees, or committees appointed to consider important subjects between the sessions of the Legislature. Interim committees usually are composed of members of both houses and Governor's appointees and meet to examine problems which should be studied.

In this respect, the Legislative process may be compared with an iceberg. What the casual observer sees is comparable to the one-eighth of the iceberg which is visible above the water. The background work of studying problems requiring legislative solution is comparable to the submerged seven-eighths of the iceberg. It's not apparent on the surface, but it's there.

This background work of study and research is one of the most important aspects of the process. Its importance increases more as problems grow ever more technical and complex.

GLOSSARY OF LEGISLATIVE TERMS

ACT — Legislation enacted into law. A Bill which has passed both houses of the General Assembly, been enrolled, ratified, signed by the Governor or passed over the Governor's veto or becomes law without his signature and printed. It is a permanent measure, having the force of law until repealed.

ADJOURNMENT — The end of a session for a day, with the hour and day of the next meeting set before adjournment.

ADJOURNMENT *SINE DIE* — Final end of a regular or special session with no date set for reconvening.

ADOPTION — Approval or acceptance (usually amendments or resolutions).

ADVANCE SHEETS — Compilations of laws enacted and selected memorials and resolutions adopted in a single session, issued periodically in paperback volumes prior to issuance of bound volumes.

AGENDA — Schedule of business planned for consideration.

AIDES — Legislative staff members who perform clerical, technical or official duties. In some states, aides are partisan staff assistants to the Legislature, responsible to members of their respective parties for various duties.

AMENDMENT — Any change made or proposed in a Bill by adding, changing, substituting or omitting.

AMENDMENT, CONSTITUTIONAL — Joint Resolution passed by two-thirds vote of each house which affects the Constitution and requires approval by voters.

ANNOTATE — To update by notation.

APPEAL — A parliamentary way to test and possibly change the decision of a presiding officer.

APPORTIONMENT — Establishment of legislative districts from which members are elected.

APPROPRIATE — To allocate funds.

APPROPRIATION — Funds allocated for various departments of government set aside by formal action for specific use.

APPROVAL BY GOVERNOR — Signature of the Governor on a Bill passed by the General Assembly.

ARCHIVES — Historical records stored at Department of Archives and History.

ATTACHE — A legislative staff member, hired or appointed to perform clerical, technical or official duties.

BICAMERAL — A legislature containing two houses.

BILL — Draft of proposed law presented to the Legislature for consideration.

BILL, DEFICIENCY — A Bill appropriating funds to programs for which the original appropriation proved insufficient. Referred to in S.C. as Supplemental Appropriation Bill.

BILL HISTORY — Record of all action on any legislative measure.

BILL INDEX — List of Bills by subject or number.

BILL, PRE-FILED — Bills prepared, filed and referred to committee prior to the opening of a regular session.

BILL, SKELETON — A measure introduced in outline form, substance being added to it at a future date.

BOOKKEEPING DEPARTMENT — Handles matters for members and staff dealing in pay, subsistence and mileage, retirement, insurance, Workmen's Compensation, payment for interim committee meetings, etc.

BUDGET — Suggested allocation of State moneys compiled by the Budget and Control Board and department heads and presented to the Legislature for consideration.

BUDGET & CONTROL BOARD — Governor, State Treasurer, Comptroller General, Chairman of Senate Finance Committee and Chairman of House Ways and Means Committee. Responsible for drafting the budget for the State.

CALENDAR, DAILY — List of pending legislation, according to the order of business scheduled for

consideration by the Rules on a legislative day. Printed daily and placed on the members' desks each morning. (House Rule 6.3; Senate Rule 34.)

CALL TO ORDER — Notice indicating the Legislature is in session. Also used to call a disorderly member to order.

CARRYOVER LEGISLATION — Legislation held over from the first year of a two-year session.

CAUCUS — An informal meeting of a group of the members, sometimes called on the basis of party affiliation.

CENSURE — An act to officially reprimand an official for actions while in office. Censuring is an official condemnation for actions committed while holding a position of trust.

CHAIR — A designation of a presiding officer or chairperson.

CHAMBER — Hall for the meeting of a legislative body.

CHAPLAIN — Officer who opens daily sessions with prayer.

CLERK — An officer elected as administrative officer and advisor on parliamentary procedure. Performs duties as prescribed in the Rules.

CLINCHER — When a Bill has received a reading and a motion to reconsider has been tabled, this maneuver is referred to as a clincher, due to the fact that no other parliamentary motion can bring that bill up for consideration again.

CLOTURE — A parliamentary procedure invoked to limit or terminate debate. *See also Previous Question.*

CODE OF LAWS — Contains the general permanent statutory law, S.C. Constitution and other matters. Alterations or additions to any of the laws contained in the Code may be made only by act passed under the formalities required by the Constitution. Supplements showing changes to the Code must be prepared and published annually under supervision and direction of Legislative Council.

COMMIT — The referral and sending of a Bill to committee or delegation.

COMMITTEE — Members appointed by the Speaker to consider and recommend disposition of Bills, Resolutions and other related matters.

COMMITTEE, AD HOC — Committee appointed for some specific purpose. An *Ad Hoc* committee dissolves upon the completion of that specified task.

COMMITTEE CHAIRMAN — Member elected as the parliamentary head of a standing or special committee.

COMMITTEE, CONFERENCE — Committee composed of three members from each house, appointed by the presiding officers, to resolve differences on an amended Bill. The committee reports recommendations or amendments back to the houses for further action.

COMMITTEE, FREE CONFERENCE — Same as conference committee, with additional power to insert new matter, to achieve compromise. (Free Conference Powers are granted by two-thirds vote of the membership of each house.)

COMMITTEE, INTERIM — Committees appointed to study a specific problem between sessions, to report to the Legislature before a certain date. Such committees are usually created by Concurrent Resolution.

COMMITTEE, JOINT — Committee composed of members of both houses.

COMMITTEE REPORT — An official report from a committee, either without recommendation, or with specific recommendation. The recommendations may be favorable; favorable with amendment; majority favorable, minority unfavorable; majority favorable with amendment, minority unfavorable; or unfavorable.

COMMITTEE, STANDING — A committee appointed with a continuing responsibility.

COMMITTEE OF THE WHOLE — A special committee consisting of the entire house to consider unique or special matters, acting under parliamentary procedure, with the Speaker appointing a Chairman to preside. (House Rule 4.9 through 4.12.)

COMPANION MEASURE — Identical Bill introduced in both houses.

CONCURRENCE — Agreement where one house agrees to a proposal or action which the other house has approved. A proposal may be adopted or amended and returned to the other house for concurrence.

CONFIRMATION — Approval by Senate and/or House of an executive appointment.

CONFLICT OF INTEREST — Untenable position which threatens the ability of a legislator to vote or act impartially.

CONSTITUENT — A citizen living within the district of a legislator.

CONSTITUTION, STATE — A written instrument containing fundamental principles of the State guaranteeing powers and duties of the government and certain rights to the people.

CONTESTED SEAT — A situation in which two or more contestants claim the right to represent a district.

CONTINGENCY FUND — Money set aside for unforeseen expenses during the fiscal year.

CONTINUE — A motion to carry a Bill forward until the next session. Legislation continued in the last year of a two-year legislative term dies on Monday following the general election in November. (House Rule 8.15; Senate Rule 36.)

CONVENE — The meeting of the Legislature daily, weekly and at the beginning of a session as provided by the Constitution.

CO-SPONSOR — One of two or more members proposing any Bill or Resolution.

DAILY BOOK — The daily Calendar, Journal and Bills for consideration put together in book form on each member's desk.

DAY CERTAIN — Adjournment with specific day to reconvene.

DAY, LEGISLATIVE — A day on which the houses convene to conduct official business.

DEBATE — Discussion according to parliamentary rules.

DEBATE ADJOURNED — Postponement of the matter before the House, which may be brought up for consideration later.

DECORUM — Proper order, etiquette and conduct of members during a floor session.

DESK — The desk at the front of the chamber where much of the clerical work of the body is done. Also, a term referring to the staff and offices of the Clerk.

DESK IS CLEAR — Statement by presiding officer, prior to adjourning, that there is no further business.

DIED IN COMMITTEE — The defeat of a Bill in committee by not returning it to the House or Senate for action.

DIGEST — A reference book, printed every two weeks, with a subject index and status of all Bills and Resolutions in the House and Senate.

DILATORY — A delaying tactic using parliamentary procedure to prevent action from being taken.

DISTRICT (LEGISLATIVE) — A division of the State represented by a legislator, by population and distinguished by number and geographical boundaries.

DIVISION — Vote taken by roll call, with no record other than a total, recorded in the Journal.

DIVISION OF THE QUESTION — Procedure to separate a matter into two questions, usually requested on an amendment.

EFFECTIVE DATE — A law becomes effective twenty days after approval by the Governor, unless a date is specified. Usually it becomes effective upon approval by the Governor.

ENACTING CLAUSE — That clause of an Act which formally expresses the legislative sanction. It usually begins "Be it Enacted."

ENROLLED BILL — The final copy of a passed Bill, prepared in Legislative Council.

EXCUSED — Absent with permission of the body or the presiding officer.

EXECUTIVE SESSION — A session excluding all persons other than members and staff personnel authorized to remain.

EX OFFICIO — Individuals appointed or elected by virtue of the position they hold.

FILIBUSTER — A strategic device by which a minority can control the floor through “extended debate” on a measure by either delaying or preventing passage.

FIRST READING (INTRODUCTION) — The first of three readings of a Bill.

FISCAL IMPACT STATEMENT — A statement which estimates the amount of increase or decrease in revenue or expenditures and the present or future fiscal implications of the pending legislation.

FISCAL YEAR — An accounting period of twelve months. In S.C., July 1 through June 30.

FIXED TIME — That specific time to which a legislative body adjourns other than the regular time of convening on a subsequent legislative day.

FLOOR — That portion of the assembly chamber reserved for members and officers of the assembly. Other persons may also be granted the privilege.

GALLERY — Balconies of chambers for visitors to view the proceedings of the Legislature.

GALLEY SHEET — Proof sheet used to mark corrections for printer.

GERMANENESS — The relevance or appropriateness of amendments, speeches, etc.

GERRYMANDERING — District boundary lines arranged to obtain partisan or factional advantages.

GRANDFATHER CLAUSE — Laws often contain a clause exempting persons from having to comply. Such a situation is called “Grandfathering.”

HEARING — Public discussions and appearances which may be scheduled by a committee.

HOLD HARMLESS CLAUSE — That portion of a Bill which provides that an existing activity will not suffer financially from a reduction in funding.

HOPPER — A depository for Bills awaiting introduction.

HOUSE — A legislative body, in a bicameral legislature having the larger number of members. In S.C. it has 124 members.

IMPEACHMENT — Procedure to remove certain officials for a serious crime or misconduct in office.

INDEFINITE POSTPONEMENT — A way of disposing of a proposal for the session of the General Assembly.

INTERIM — The interval between the first and second year of a two-year session. The term may also apply to the period between the end of a two-year session and the beginning of the next session.

INTRODUCTION (FIRST READING) — The formal presentation at the desk of a proposal after it has been drafted by Legislative Council. The Bill or Resolution is numbered and referred to committee.

INVOCATION — Prayer prior to a session.

JEFFERSON'S MANUAL — (Jefferson's Manual of Parliamentary Practice) - A volume of parliamentary law and procedure.

JOINT ASSEMBLY — A meeting of the House and the Senate usually in House Chamber, by Resolution, for specific purpose such as elections, speeches, etc.

JOINT RULES — Rules governing procedure of the Senate and House when meeting in a Joint Assembly or a conference committee.

JOINT SESSION — Same as Joint Assembly.

JOURNAL, DAILY — A record of the previous day's proceedings, including messages, roll calls, remarks made by members that are requested to be printed and action taken on all legislation considered that day. Printed daily and placed on the members' desks the following day.

JOURNAL, PERMANENT — Official record of proceedings of the House and Senate, compiled from daily

Journals, indexed, printed and bound for each session. Indexed by sponsor, Bill number, subject and general information including committee appointments, interim committees, etc.

LAY ON THE TABLE — Postponement of the matter before the house, which may later be brought up for consideration by an appropriate motion.

LEAVE OF ABSENCE — Permission granted by the presiding officer to member who wishes to be absent, usually granted due to illness or official business.

LEGISLATIVE COUNCIL — Department responsible for research, drafting of Bills and amendments, codification of Laws and State Register.

LEGISLATIVE INTENT — Purpose for which a measure was presented or passed.

LEGISLATIVE LIAISON — Person appointed to communicate between legislators and other departments of the government.

LEGISLATIVE MANUAL — Published annually by the Clerk of the House, who serves as Editor. Contains detailed information on State, County and Federal government (located in S.C.), as well as pictures and biographies of Members of the General Assembly, Constitutional Officers and the Judiciary.

LEGISLATIVE PRIVILEGE — Immunity from arrest granted to legislators during session of the Legislature, ten days prior to session and ten days after adjournment.

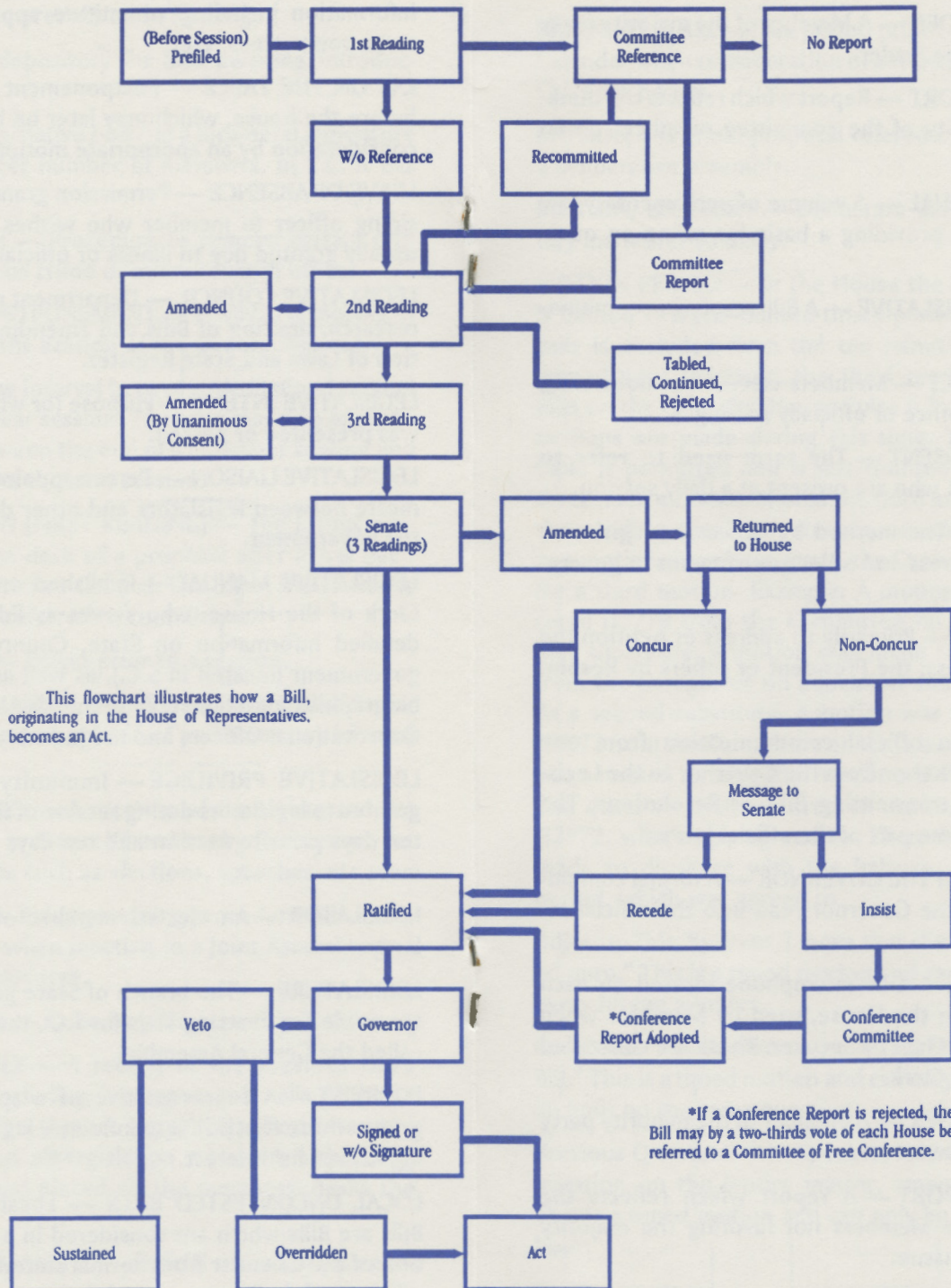
LEGISLATOR — An elected member of a legislative body.

LEGISLATURE — The branch of State government responsible for enacting laws (in S.C., the legislature is called the General Assembly).

LOBBYIST — A representative of a special interest group whose function is to influence legislation affecting his special interest.

LOCAL UNCONTESTED BILLS — Local uncontested Bills are Bills which are considered in a separate portion of the Calendar from normal statewide Bills.

HOW A BILL BECOMES AN ACT



*If a Conference Report is rejected, the Bill may by a two-thirds vote of each House be referred to a Committee of Free Conference.

LOCAL — Refers to legislation pertaining only to the district which the Member represents.

MAJORITY LEADER — A Member of the majority party designated to be leader.

MAJORITY REPORT — Report which reflects the thinking of a majority of the committee members on an issue.

MASON'S MANUAL — A volume of parliamentary law and procedure providing a basis for ruling on questions of order.

MEASURE, LEGISLATIVE — A Bill, resolution or memorial.

MEMBERS ELECT — Members elected but not having taken oath of office or officially serving.

MEMBERS PRESENT — The term used to refer to those members who are present at a daily session.

MEMORIAL — The method by which the legislature speaks to Congress and other governments or governmental agencies.

MEMORIALIZE — Primarily to address or petition the Federal Congress, the President or others by Resolution.

MESSAGE — An official communication from one house to the other or from the Governor to the Legislature, usually transmitting Bills or Resolutions. The messages become part of the official Journal.

MESSAGE FROM THE GOVERNOR — A formal communication from the Governor read into the official record.

MICROPHONES — One microphone located on each pair of desks in the House, used by Members when addressing the Chair or Speaker. These are controlled by the Reading Clerk.

MINORITY LEADER — A Member of the minority party designated to be leader.

MINORITY REPORT — A report which reflects the thinking of the Members not favoring the majority position on an issue.

MINUTES — Accurate record of proceedings of a meeting.

MORNING HOUR — The period prior to taking up the Calendar when consideration of any matters not on the Calendar occurs.

MOTION — Formal proposal offered by a Member of a deliberative assembly.

MOTION, DILATORY — Deliberate use of parliamentary maneuver to delay.

MOTION PERIOD — In the House the motion period is limited to a ten-minute timed period (time for roll calls is excluded from the ten minutes) and comes immediately following the third reading contested Bills on the Calendar (House Rules 6.3 and 8.9). Three motions are made during this time. The motion to table is permitted and is not counted as one of the three main motions. Should the third motion fail, then the pending question is the second motion; or if only two motions have been made, the Chair would be open for a third motion. Example: A motion was made to recall H5778 from the Committee on Judiciary. As a first substitute, a motion was made to recall H2819 from the Committee on Education and Public Works. As a second substitute, a motion was made to recall H2872 from the Committee on Ways and Means. There was a motion to table that motion which was rejected. The question then recurred to the motion to recall H2872, which was agreed to. Then the motion was made to dispense with the balance of the motion period, which was agreed to.

Adjourn: "Mr. Speaker, I move that the House do now adjourn." This is a timed motion and can only be made every fifteen minutes.

Continue: "Mr. Speaker, I move that we continue the Bill." This is a timed motion and can only be made once an hour on the same question.

Previous Question: "Mr. Speaker, I move the previous question on the (entire matter, amendments, etc.)" This is a timed motion and can only be made once an hour.

Recall: "Mr. Speaker, I move that we recall (H2654 from Labor, Commerce and Industry, etc.)"

Recess: "Mr. Speaker, I move that the House recess until (set time)." This is a timed motion and is in order every fifteen minutes.

Recommit: "Mr. Speaker, I move that we recommit (H2567 to the Ways and Means Committee, etc.)" This is a timed motion and can only be made once an hour.

Reconsider: "Mr. Speaker, I move that the House reconsider the vote whereby it gave (second reading, third reading, etc.) to H2334."

Recur to the Morning Hour: "Mr. Speaker, I move that we recur to the morning hour." This places the House in the same order of business as when it convened earlier the same day. Normally used to permit introduction of Bills or committee reports.

Table: "Mr. Speaker, I move that we table the (Bill, amendment, motion, etc.)" This is a timed motion and can only be made once an hour.

In the Senate the motion period follows the call of the local uncontested calendar. During this period any motions pertaining to the business of the Senate may be made.

MOTIONS — Proper form for some of the most common motions would be as follows:

NON-CONCURRENCE — When one house refuses to agree with the other on a Bill or Resolution which the other house has amended.

NONDEBATABLE — Those subjects or motions that cannot be discussed or debated.

OATH OF OFFICE — Oath taken by Members-elect of the Legislature prior to being seated and assuming official duties. In S.C., the oath reads: "I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been elected (or appointed) and that I will, to the best of my ability, discharge the duties thereof and preserve, protect and defend the Constitution of this State and of the United States. So help me God."

OBJECTION — On a Bill, three Members must object in order to delay action, primarily used to allow time to read the Bill, draft an amendment, etc. On a concurrent or House resolution, objection by five Members will prevent immediate consideration and necessitate referral to committee by the Speaker. A committee sponsored resolution receives immediate consideration unless five Members object in which case the resolution is placed on the Calendar without being referred to a committee.

OFFICERS — That portion of the legislative staff elected by the House Membership, which includes: Speaker, Speaker *Pro Tempore*, Chaplain, Reading Clerk, Clerk, Sergeant at Arms and Assistant Sergeant at Arms; elected by the Senate Membership: President *Pro Tempore*, Chaplain, Reading Clerk, Clerk, Sergeant at Arms and Assistant Sergeant at Arms.

OUT OF ORDER — Not being conducted under proper parliamentary rules and procedures.

PAGES — Persons stationed at the front of the chamber and available to assist the members. They are called by pressing the button on members' desks. Pages supply extra copies of Bills and Resolutions, Journals, Calendars, Digests, reports, etc. House pages are under the supervision of the Speaker's Office and appointed by the Speaker. Recommendations for page appointments should be sent to the Speaker in writing. Senate pages are appointed by the Clerk with advice of the Senators.

PAIRING — A written arrangement between two members where they agree to be recorded on opposite sides of an issue, one being absent when the vote is taken. A pair is recorded in the Journal but not taken into account in tallying a vote. Pairing forms must be obtained from the Clerk and returned at the time the vote is taken by the Member present. (House Rule 7.8.)

PARLIAMENTARY INQUIRY — Question posed to presiding officer for clarification of a point in proceedings.

PASSAGE OF BILL — Favorable action on a measure before either house.

PENDING QUESTION — The matter under consideration at the time.

PER DIEM — Literally, per day. Daily pay for legislators.

PETITION — Formal request by an individual or group to the General Assembly.

POINT OF ORDER — A statement by a Member calling attention to an alleged breach of order or parliamentary procedure.

POINT OF PERSONAL PRIVILEGE — A statement defending the rights, reputation or conduct of a legislator in his or her official capacity.

POSTPONE INDEFINITELY — A means of disposing of an issue and not setting a date to consider it again.

POSTPONE TO A DAY CERTAIN — To defer consideration to a specific later time or day.

PRECEDENT — Interpretation of rulings by presiding officers on specific rules and may refer to unwritten rules established by custom.

PREFILING — Introduction and referral to a committee of Bills prior to a legislative session.

PRESIDENT — By Constitutional enactment, the Lt. Governor is the presiding officer in the Senate and is referred to while presiding as "Mr. President."

PRESIDENT *PRO TEMPORE* — The person elected by the Senate to have the same powers as the President in the latter's absence.

PRESIDING OFFICER — Person designated to preside at a legislative session.

PREVIOUS QUESTION — A motion to close debate and bring the pending question to an immediate vote. This motion requires a majority vote of the House Membership when no one is speaking and requires fifty percent of those present and voting, a quorum being present, plus five members to interrupt debate. If immediate Cloture is ordered, debate is cut off at the end of two hours, equally divided between the opponents and proponents. If delayed Cloture is ordered, two hours of debate are allowed prior to the invocation of Cloture.

PRINTOUT — Copy of legislative information printed by computer printer.

PRIVILEGE OF THE FLOOR — Permission granted to a nonmember of the body to be in that portion of a legislative chamber during session that is reserved for present and former Members and staff personnel. Privilege may be extended to other persons for the purpose of answering questions or addressing the body.

PROCEDURE — Rules and traditional practices of the respective houses of the Legislature.

PRO TEMPORE — The designated officer of the House or Senate acting in the absence of the regular presiding officer.

QUORUM — The required number of Members present to transact business, which is 63 out of 124 House Members and 24 out of 46 Senators.

QUORUM CALL — A method used to establish the presence of a majority for the lawful transacting of business.

RATIFY — To approve and make valid. After a Bill has received three readings in each house, ratification is set by the Senate sending a message inviting the House to come to the Senate Chamber at a certain time. The House then stands in recess while the Speaker and Clerk, preceded by the Sergeant at Arms, proceed to the Senate Chamber, where the Bills are signed by the presiding officers and Clerks.

READING CLERK — An elected officer who assists the Clerk by calling the roll, tabulating votes, reading Bills, messages and Resolutions, etc.

REAPPORTIONMENT — Redivision into equally populated election districts, based on census.

RECALL A BILL — A motion which returns a Bill from a committee or the other house for further consideration. A Concurrent Resolution is needed to recall a Bill from the Governor.

RECEDE — Withdraw from an amendment or position on a matter.

RECESS — Intermission in a daily session.

RECOMMIT — To send back to committee.

RECONSIDERATION — A process where a measure previously adopted or defeated can be reopened (within the same day or the next legislative day only) and acted upon again. Once an action on a Bill or amendment has been taken, the motion to reconsider is in order. The motion to reconsider shall be taken up immediately, except while a speech is being made, when it is considered immediately after disposal of the pending matter.

REFERENDUM — A method by which a measure adopted by the Legislature may be submitted to popular vote.

REFERRAL — The sending of a Bill to committee.

REGULAR ORDER OF BUSINESS — The sequence of business set up for each legislative day. (House Rule 6.3; Senate Rule 34.)

REGULATION — A rule or order of an agency made under authority of a statute passed by the Legislature. Regulations must be approved by the Legislature prior to being placed in effect.

REJECTION — An action which defeats an amendment, Bill, motion or other matter.

REPORT — Written notice to the House or Senate of action taken in committee on Bills.

REPEAL — A method by which legislative action is revoked or abrogated.

RESCIND — Annulment of an action previously taken.

RESOLUTION, CONCURRENT — Affects the action of the General Assembly and its members. It does not carry an appropriation and does not have the force of law, as an Act or Joint Resolution does, but records the sense of the two houses. Requires only adoption by each house.

RESOLUTION, JOINT — Has the same force of law as an Act, but is a temporary measure, dying when its subject is completed. It requires the same treatment as a Bill and after passage, its title is not changed to that of an Act. When used to propose an amendment to the Constitution, it does not require the approval of

the Governor but does require a two-thirds vote of the membership of each house.

RESOLUTION, SENATE OR HOUSE — Same as Concurrent Resolution, except is the expression of one house.

REVENUE — Yield of taxes and other sources of income the State collects.

ROBERT'S RULES OF ORDER — A volume of parliamentary law and procedure providing a basis for ruling on questions of order.

ROLL CALL — The recorded vote on an issue. In the House, by an electronic voting system connected to individual desk switches. In the Senate, roll calls are taken by voice vote, with names of members being called in alphabetical order by the Reading Clerk.

ROSTER (LIST OF MEMBERS) — Booklet containing names and addresses of Members, officers and districts of each house for the current session.

ROSTRUM — Podium or desk area at the front of a chamber.

RULES — Methods of legislative procedure; Joint Rules govern both houses and Senate or House rules regulate only the one house.

RULING OF THE CHAIR — A decision by the presiding officer concerning a question of order or procedure.

SECTION — Distinct portion of each Bill.

SENATE — A legislative body in a bicameral legislature having the fewer number of Members. In S.C., it has 46 Members.

SENIORITY — A custom sometimes used in making committee assignments based upon length of service.

SERGEANT AT ARMS — An officer elected by each house to maintain order under the direction of the presiding officer, as well as maintenance and upkeep of chambers and offices assigned to the respective houses.

SESSION — The formal, continuous convening of the Legislature, whether regular, extra or organizational, from the first legislative day to *sine die* (final) adjournment.

SESSION, ORGANIZATIONAL — Meeting held after the general election to officially organize the House of Representatives to transact business.

SIMPLE MAJORITY — One more than half of those voting on a question.

SINE DIE — Adjournment “without day” being set for reconvening. Final adjournment.

SPEAKER — Presiding officer and chief administrative officer of the House of Representatives, elected by the body.

SPEAKER EMERITUS — A past Speaker of the House, an honorary title.

SPEAKER PRO TEMPORE — Substitute presiding officer, taking the Chair on request of the Speaker in his absence. Elected by the body.

SPECIAL ORDER — Matter of business set for special time and day designated.

SPONSOR — Legislator who introduces a Bill, amendment or Resolution.

SPONSOR REPORT — A computer printout of all legislation introduced to date by each member and the action to date.

STAND AT EASE — A term referring to that situation in which the body does not recess or adjourn but suspends its deliberations for indeterminate periods of time.

STANDING COMMITTEE — Regular committees of the Legislature, set up by the Rules to perform certain Legislative functions. House Committees are: Agriculture and Natural Resources; Education and Public Works; Interstate Cooperation; Invitations and Memorial Resolutions; Judiciary; Labor, Commerce and Industry; Legislative Ethics; Medical, Military, Public and Municipal Affairs; Operations and Management; Rules; and Ways and Means. Senate Committees are: Agriculture and Natural Resources; Banking and Insurance; Corrections and Penology; Education; Ethics; Finance; Fish, Game and Forestry; General Committee; Interstate Cooperation; Invitations; Judiciary; Labor,

Commerce and Industry; Medical Affairs; Rules; and Transportation.

STATE REGISTER — Contains proposed and finally adopted regulations for State Agencies. Additions to the State Register must be published by the Legislative Council at least once every thirty days.

STATE THE QUESTION — To place a question before the Legislative body for its consideration.

STATUTORY COMMITTEE — A committee created by statute.

STATUS OF BILL — The position of a Bill at any given time in the legislative process. It can be in committee, on the Calendar, in the other house, etc.

STATUTES — Laws enacted by the General Assembly. A law is enacted after it is passed by both the House of Representatives and the Senate. The general and permanent statutes at large are published annually in the Acts and Joint Resolutions which also contain the local and temporary laws enacted.

STOPPING THE CLOCK — A practice of lengthening the hours of the legislative day irrespective of the passing of the hours of a calendar day by stopping the clock.

STRIKE OUT — The deletion of language from a Bill or Resolution.

SUBSISTENCE — Money paid to Members for daily expense.

SUNSET — Expiration date of a measure.

SUPPLEMENTAL APPROPRIATION — Additional funds allocated over original appropriation.

TABLE — A means of disposing of a Bill or other matter.

TAKE A WALK — To purposely be absent to avoid voting on a measure.

TERM OF OFFICE — Duration of office of an official.

TITLE — A concise statement of the contents of a Bill.

UNANIMOUS CONSENT — Usually requested to suspend rules for a specific purpose.

UNCONTESTED — Refers to a piece of legislation which is not objected to by three Members of the House.

UNICAMERAL — A single body Legislature.

VETO — The action of a Governor in disapproval of a measure; on its return to the Legislature, each house either sustains the veto or overrides it.

VETO OVERRIDE — To pass a Bill over Governor's veto requires a two-thirds vote of members present and voting of both houses acting separately.

VOICE VOTE (*viva voce*) — Oral expression of the Members when a question is submitted to their determination. Response is given by ayes and nays and the presiding officer states his decision as to which side prevailed.

VOTE — Formal expression of will or decision by the body.

VOTE, DIVISION — Vote taken by standing in the Senate and by roll call in the House, with no record, other than the total, recorded in the Journal.

VOTE, RECORD (ROLL CALL) — Roll call vote, which is recorded in the Journal.

WATS LINES — Six telephones are located in the window alcoves in the chamber of the House and two telephone lines are located in the Senate for use by Members in placing calls within the State during the session.

WITHDRAW A MOTION — To recall or remove a motion according to parliamentary procedure.

WITHOUT RECOMMENDATION — A committee report which is neither favorable nor unfavorable.

YEAS AND NAYS — Recorded vote of Members on an issue.

YIELD — Relinquishing of the floor to another member to speak or to ask a question.

ACRONYMS USED IN THE S.C. GENERAL ASSEMBLY

An acronym by definition, is a “shorthand” method to denote a group of words or title commonly used. The acronym is usually made up of the first letter of or a symbol for every major word in the expression or phrase. “GATT” is such an acronym, which stands for General Agreements on Tariffs and Trade; “USC”, another commonly used acronym, stands for University of S.C. The following list contains those acronyms frequently used in the General Assembly.

3M — Medical, Military, Public and Municipal Affairs Committee

ABC — Alcohol and Beverage Control

ACIR — Advisory Council on Intergovernmental Relations

ADSAP — Alcohol and Drug Safety Action Program

AFDC — Aid To Families With Dependent Children

AG — Attorney General or Adjutant General

APIP — Annual Permanent Improvement Program

BCB — Budget and Control Board

BEA — Board of Economic Advisors

CCRS — Children’s Case Resolution System

CHE — Commission on Higher Education

CIB — Capital Improvement Bonds

CJA — Criminal Justice Academy

CHHC — Community Mental Health Center

COLA — Cost of Living Adjustment

CPI — Consumer Price Index

CRF — Capital Reserve Fund

CRS — Children’s Rehabilitative Services

DHEC — Department of Health and Environmental Control

DHPT — Department of Highways and Public Transportation

DMH — Department of Mental Health

DMR — Department of Mental Retardation

DRG — Diagnostic Related Group

DSS — Department of Social Services

DYS — Department of Youth Services

EFA — Education Finance Act

EIA — Education Improvement Act

FYI — For Your Information

GAAP — Generally Accepted Accounting Principles

GIS — Geographical Information Systems

GOB — General Obligation Bond

GRF — General Reserve Fund

HAC — Human Affairs Commission

HCFA — Health Care Financing Administration

HCPO — Health Care Planning and Oversight Committee

HHSFC — Health and Human Service Finance Commission

HOTS — Higher Order Thinking Skills

HRM — Human Resource Management

HSIP — Human Services Integration Project

IRM — Information Resource Management

ITPA — Index of Tax Paying Ability

JARC — Joint Appropriation Legislative Review Committee

JBRC — Joint Bond Review Committee

LAC — Legislative Audit Council

LCI — Labor, Commerce and Industry Committee

LIS — Legislative Information Systems

MIS — Management Information Systems

MUSC — Medical University of S.C.

NA — Not Applicable

OEPP — Office of Executive Policy and Programs

OPIP — Overall Permanent Improvement Program

O&M — Operations and Management Committee

POLA — Professional and Occupational Licensing Agencies

PP — Preferred Provider

PPPS — Probation, Parole and Pardon Services

PRT — Parks, Recreation and Tourism

PSA — Public Service Activities

PSC — Public Service Commission

SCCADA — S.C. Commission on Alcohol and Drug Abuse

SCDC — S.C. Department of Corrections

SCEA — S.C. Education Association

SDE — State Department of Education

SFC — Senate Finance Committee

SHA — State Housing Authority

SHIMS — Strategic Highway Plan for Improving Mobility and Safety

SLED — State Law Enforcement Division

SREB — Southern Regional Education Board

SSI — Supplemental Security Income

VA — Veterans Affairs

VR — Vocational Rehabilitation

WMC — Ways and Means Committee

WPU — Weighted Pupil Unit

Editor's Note

This booklet has been developed to aid in understanding lawmaking in South Carolina. We have attempted to give an overall view of the inside workings of the Legislature and acquaint you with terms used in the legislative process. The booklet also includes a glossary and a list of commonly used acronyms.

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